

MAY - 4 2019

AO 91 (Rev 8/01) Criminal Complaint

David J. Bradley, Clerk

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

Jose Maria Pena-Gonzalez

CRIMINAL COMPLAINT

Case Number: M-19-1023-M

IAE YOB: 1961

Mexico

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about May 2, 2019 in Hidalgo County, in

the Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to Mexico in pursuance of law, and thereafter was found near Penitas, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Jose Maria Pena-Gonzalez was encountered by Border Patrol Agents near Penitas, Texas on May 2, 2019. The investigating Agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on January 6, 2007, near Hidalgo, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States on August 15, 2002 through Brownsville, Texas. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On June 25, 1999, the defendant was convicted Manufacture/Delivery of Control Substance and was sentenced to seven (7) years confinement.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on May 4, 2019.

Continued on the attached sheet and made a part of this complaint:

☐ Yes ☒ No

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

Sworn to before me and subscribed in my presence,

5:42 p.m.

May 4, 2019

/s/ Mickel Gonzalez

Signature of Complainant

Mickel A. Gonzalez

Senior Patrol Agent

Peter E. Ormsby, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer